

## II. REMARKS

The Examiner is requested to reconsider the application in view of the foregoing amendment and the following remarks.

The Examiner is requested to correct PTO records and ensure that future communications are in accordance with the Power of Attorney and Change in Correspondence filed recently.

An Amendment was filed on January 18, 2007 by attorney Peter Trzyna following an interview between Examiner Colbert, Peter Trzyna, Michael Erlanger and Richard Kornutik. The Amendment was withdrawn to give the undersigned time to review the case, which has a long prosecution history. This Amendment substantially adheres to the Amendment previously presented and withdrawn, in order to preserve any agreements and understandings between the people who were present for the interview. Peter Trzyna was consulted in preparing this Amendment and Response. During the interview, Applicants drew the Examiner's attention to the fact that the claims in the case are patentable over the prior art of record at least for the reason that the prior art of record does not meet the claim language directed to a secondary sector.

The undersigned has been sensitive to the agreements and understandings reached during the interview in order to place this case in condition for allowance at long last. Any changes between the present Amendment and what was earlier presented on January 18, 2007 do not abridge the understandings reached in the interview to the best of the undersigned's knowledge.

Claims 304, 305 and 306 have been added and correspond substantially to claims 187, 213 and 241, respectively. Claim 304 is similar in scope to method claim 187, but substitutes language for the terms "intermediation" services. Thus, since claim 187 is

## Substitute Abstract

~~A data processing system providing an efficient market for: (1) the provision of loans or lines of credit between lenders or those seeking loans or lines of credit, and (2) the sale of loans between loan pool traders. The system provides an efficient market for the provisioning of loans or lines of credit that not only invites lenders, loan seekers, and loan pool traders to patronize the system, but whose conventions induce them to patronize the system. An embodiment includes: receiving at a system a lending criteria from each of a plurality of lenders; compiling a first set of statistics in the system based on the lending criteria from each of the plurality of lenders; and outputting from the system the first set of statistics to a first lender at a price that is based on a measure of fees incurred with respect to the first lender.~~

A method of intermediation services providing an efficient market for a class of financial products in which transactions occur in distinct origination and secondary sectors, the method including outputting a pricing schedule providing credits for transactions fees paid in one sector for redemption against the transaction fees for the other. An embodiment includes offering information, captured in the course of providing intermediation services, at prices that are reduced as transaction fees increase. The method of the invention provides an efficient market for the provisioning of financial products that not only invites lenders, loan seekers, loan traders, offerors of lines of credit, seekers of lines of credit, traders of lines of credit, insurers, insurance seekers, and reinsurers to patronize a system employing the method, but which has conventions that induce them to patronize the system employing the method. The invention further contemplates the system employing the method.

patentable, claim 304 is also patentable. Claim 305 is similar in scope to apparatus claim 213, but substitutes language for the terms "intermediation" services. Thus, since claim 213 is patentable, claim 305 is also patentable. Claim 306 is similar in scope to apparatus claim 241, but again substitutes language for the terms "intermediation" services. Thus, since claim 241 is patentable, claim 306 is also patentable. The substance of claims 304-306 has already been searched and examined.

New claims 307-309 are dependant and specify that the first sector is origination of insurance. The substance of claims 307-309 has already been searched and examined.

New claims 310 and 311 are similar to claim 187 and 188, however, they focus exclusively on transactions in the secondary market, as explained in the interview with Examiner Colbert. It is the secondary market transactions which are clearly not met by the prior art. Thus, these claims are patentable in view of the prior art of record.

Claim 201 has been cancelled and substantially rewritten as claim 312.

Apparatus claims 213 and 241 have been amended to avoid having to sue multiple parties and to avoid issues of whether all contributing infringers are in U.S. territory, in the event of issuance and infringement. The changes should not effect patentability determinations by the U.S. Patent and Trademark Office.

The Abstract has been amended. Clean and amended versions are attached.

In Paragraph 4 of the Office Action, claims 187, 213, 225, and 241 have been rejected pursuant to 35 U.S.C. Sec. 112, first paragraph. The Examiner contends that these claims have missing steps which are considered critical or essential and which are not enabled by the disclosure.

In response, the rejection is respectfully traversed but believed to be moot in view of the foregoing amendment. For the record, no evidence has been offered by the PTO to establish that the contended missing steps are critical or essential (e.g., nothing in the

specification indicates such criticality); if the contention is maintained, then pursuant to 35

U.S.C. Sec. 132, Applicant requests "such further information... as may be useful in judging the propriety of continuing prosecution," e.g., some evidentiary basis for the rejection.

Nonetheless, it is believed that the rejection is moot in view of the foregoing amendment.

In Paragraph 6 of the Office Action, claims 187, 196, 198, 213, 225, and 241 have been rejected pursuant to 35 U.S.C. Sec. 112, second paragraph. The Examiner contends that the claims are indefinite.

In response, the rejection is respectfully traversed but believed to be moot in view of the foregoing amendment. For the record, it appears that the issues raised in the Office Action are directed to breadth rather than indefiniteness. Nonetheless, again, it is believed that the rejection is moot in view of the foregoing amendment.

In Paragraph 7 of the Office Action, claims 189, 201, 214, 216, 218, 219, 221, 224, 226, 227-229, 231-234, 244, 248-251, 299, and 300 have been made subject to an objection. The Examiner contends that these claims contain informalities set forth more particularly in the Office Action.

In response, it is believed that the objection is moot in view of the foregoing amendment.

Throughout the prosecution of this case, the Applicant has disagreed with the restriction requirements and requirements to elect. Applicant respectfully requests the Examiner to reconsider the restriction requirements and requirements to elect so that more claims may issue in this case and Applicant is not required to file numerous divisional applications and pay the fees associated with doing so. Due to the length of time this case has been pending, any divisional applications will have a shortened patent term even if issued.

Further, the claim language in the non-elected and withdrawn claims which is directed to the secondary market is not met by the prior art of record. In reality, these claims have been

searched and they are also patentable in view of the prior art of record. In particular, Applicant requests that at least claim 186 be rejoined. Further, it is respectfully requested that claims 252-259 be rejoined.

Applicant incorporates by reference the arguments against the restriction requirements and requirements to elect previously filed, with particular reference to the arguments filed on May 23, 2005; August 15, 2005; December 2, 2005; and December 12, 2005.

Numerous claims have been withdrawn because of the restriction requirements and requirements to elect. In the very least, it seems a fair tradeoff for the Examiner to refrain from further restrictions given that all the claims presently presented have, in fact, been searched and are not met by the prior art.

The Examiner is invited to call the undersigned at the number given below, if it can in any way expedite prosecution. Please note that dependant claims have been cancelled to simplify and expedite prosecution.


III. FEE

If any extension of time is necessary for the entry of this amendment such extension is respectfully requested. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or any extension of time necessary for the entry of this amendment or to credit any overcharges to Deposit Account No. 50-3219.

Additionally, the Examiner is invited to contact the undersigned at (212) 858-7515 if it can in any way expedite or ease the handling of this case. Please direct all correspondence to the undersigned at the address given below. Email communications at the below email address are authorized.

Respectfully submitted,

Date: April 19, 2007

  
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